

AMENDED IN SENATE MAY 2, 2006
AMENDED IN SENATE APRIL 24, 2006

SENATE BILL

No. 1542

Introduced by Senator Migden
(Principal coauthor: Assembly Member Ridley-Thomas)
(Coauthor: Senator Kuehl)
(Coauthor: Assembly Member Mountjoy)

February 23, 2006

An act to add Section 9954 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1542, as amended, Migden. Vehicles: key information access.

(1) Existing law imposes various requirements upon manufacturers of motor vehicles sold or leased in this state with regard to disclosing information and providing equipment. A violation of the laws regulating motor vehicles is a crime.

This bill would require a motor vehicle manufacturer of a motor vehicle sold or leased in this state on or after January 1, 2008, with a model-year of 2008 or later, except as specified, to provide a means whereby the registered owner of that motor vehicle or a family member, through a registered locksmith, can access information, and only that information, that is necessary to permit the reproduction of a key or other functionally similar device, by a registered locksmith, that will allow the registered vehicle's owner or family member to enter, start, and operate the vehicle.

This bill would require the registered locksmith to follow certain identity *and vehicle* verification procedures before he or she could request the information from the manufacturer, to turn over certain

information to the registered owner or family member, and to destroy all information accessed from the manufacturer after completing the reproduction of the key or other functionally similar device. A manufacturer would be required to make this information available by telephone or electronically 24 hours a day and 7 days a week. A manufacturer would also be required to include a security process to verify the identity of the registered locksmith.

Since a violation of the bill's requirements would be a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares all of
2 the following:

3 (a) There are over 28 million registered motor vehicles in
4 California, and those vehicles are an essential part of California
5 residents' work and mobility.

6 (b) A key or functionally similar device that will allow a
7 registered vehicle's owner to enter, start, and operate his or her
8 vehicle is a critical and necessary part of motor vehicle
9 ownership, without which a person cannot perform the basic
10 functions of gaining entry to a motor vehicle or starting its
11 engine.

12 (c) A registered owner of a motor vehicle has the right to
13 access the information necessary to gain entry to and operate his
14 or her motor vehicle in a timely, convenient, and reliable manner.

15 (d) It is the intent of the Legislature, in enacting this act, to
16 give motorists better access to this necessary information, while
17 at the same time protecting the security of that information and
18 the vehicle. This act is intended to allow appropriate vehicle
19 security while providing essential and necessary consumer
20 access.

1 SEC. 2. Section 9954 is added to the Vehicle Code, to read:

2 9954. (a) This section applies only to vehicles sold or leased
3 in this state on or after January 1, 2008, with a model-year of
4 2008 or later.

5 (b) A motor vehicle manufacturer of a motor vehicle sold or
6 leased in this state shall provide the means whereby the
7 registered owner of that motor vehicle, through a registered
8 locksmith, can access the information, and only that information,
9 that is necessary to permit the reproduction of a key or other
10 functionally similar device by the registered locksmith that will
11 allow the registered vehicle's owner to enter, start, and operate
12 his or her vehicle. The means to access this information shall be
13 available by telephone or electronically 24 hours a day and seven
14 days a week, as follows:

15 (1) For a motor vehicle with a model year of 2008 or later,
16 when a registered locksmith is requested by the motor vehicle's
17 registered owner or the registered owner's family member, to
18 reproduce a key or other functionally similar device that will
19 allow the vehicle to be entered, started, and operated, and the
20 information is needed from the vehicle manufacturer in order to
21 produce the requested key or other functionally similar device,
22 the registered locksmith shall visually verify the identity of the
23 requesting party through that party's driver's license; shall
24 visually verify that the registration of the vehicle matches the
25 requesting party's identity and address (or last name and address
26 if the requesting party is a family member of the registered
27 owner); and shall visually verify that the vehicle identification
28 number of the vehicle matches with the vehicle identification
29 number on the registration. Upon satisfactory verification of all
30 three requirements, the registered locksmith shall record that
31 information in a record log and proceed to access the needed
32 information from the vehicle manufacturer.

33 (A) Upon completing the services, the registered locksmith
34 shall give any key code information obtained from the vehicle
35 manufacturer to the registered owner, or if applicable, the
36 owner's family member, and shall destroy all information
37 accessed from the vehicle manufacturer in his or her possession.

38 (B) Except in cases of fraud or misappropriation, a registered
39 locksmith that follows these procedures shall incur no liability
40 for theft of the vehicle related to the locksmith's production of a

1 replacement key or functionally similar device that will allow the
2 vehicle to be entered, started, and operated.

3 (2) (A) For a motor vehicle with a model year of 2008 or
4 later, when a vehicle manufacturer receives a request from a
5 registered locksmith for information to enable the locksmith to
6 produce a replacement key or other functionally similar device
7 that will allow the vehicle to be entered, started, and operated,
8 and that request is made at the behest of the vehicle's registered
9 owner or the registered owner's family member, the vehicle
10 manufacturer shall require the registered locksmith to confirm
11 the locksmith's registration with the manufacturer's registry;
12 provide the security password issued by the manufacturer; and
13 comply with any other reasonable authentication procedure. The
14 manufacturer shall also require the registered locksmith to
15 confirm the locksmith's visual identity ~~verification~~ *and vehicle*
16 *verifications*, pursuant to paragraph (1). Upon satisfactory
17 verification of these requirements, and upon presentation of the
18 vehicle identification number and model number, the vehicle
19 manufacturer shall provide to the registered locksmith, for the
20 vehicle identified by the vehicle identification number and model
21 number, the information necessary to enable reproduction of a
22 key or other functionally similar device that allows the vehicle to
23 be entered, started, and operated.

24 (B) A vehicle manufacturer that follows these procedures shall
25 incur no liability for theft of the vehicle related to furnishing the
26 information to a registered locksmith for the production of a
27 replacement key or functionally similar device that will allow the
28 vehicle to be entered, started, and operated.

29 (d) For the purposes this section the following definitions
30 apply:

31 (1) A "registered locksmith" means a locksmith licensed and
32 bonded in California that has registered with a motor vehicle
33 manufacturer, and has been issued a registry number and security
34 password by the manufacturer.

35 (2) A registered owner, as defined in Section 505, also
36 includes a lessee of the vehicle when the lessee's name appears
37 on the vehicle registration.

38 (3) "Information" includes, but is not limited to, the vehicle's
39 key code and, if applicable, immobilizer or access code, and its
40 successor technology and terminology.

1 (e) (1) This section does not apply to a vehicle line of a motor
2 vehicle manufacturer that on January 1, ~~2008~~, 2006, does not
3 provide for the reproduction of a key or other functionally similar
4 device that allows the vehicle to be entered, started, and operated,
5 by anyone other than the vehicle manufacturer itself and only
6 itself, provided that the vehicle manufacturer operates a
7 telephone or electronic request line 24 hours a day and seven
8 days a week, and upon a request of the registered owner or
9 family member of the registered owner of the vehicle, a
10 replacement key or other functionally similar device that will
11 allow the vehicle to be entered, started, and operated, is furnished
12 to the registered owner at a reasonable cost within one day of the
13 request.

14 (2) If subsequent to January 1, 2008, a vehicle line of the
15 manufacturer exempted by this subdivision provides for the
16 reproduction by anyone, other than the vehicle manufacturer
17 itself, of a key or other functionally similar device that will allow
18 the vehicle to be entered, started, and operated, this section shall
19 apply to that vehicle line.

20 (3) This subdivision shall remain operative until January 1,
21 2013, and as of that date shall become inoperative, unless a later
22 enacted statute, that is enacted before January 1, 2013, deletes or
23 extends that date.

24 SEC. 3. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the
29 penalty for a crime or infraction, within the meaning of Section
30 17556 of the Government Code, or changes the definition of a
31 crime within the meaning of Section 6 of Article XIII B of the
32 California Constitution.